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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-43

12 MARY CATHERINE HAMILTON
5107 Lillian Street
13 Torrance, CA 90503

ACCUSATION

14 11649 S. Cedar Ave., Apt. B
Hawthorne, CA 90250

15 16007 Crenshaw Blvd.
16 Torrance, CA 90506

17 Registered Nurse License No. 226261
Public Health Nurse Advanced Certification No.
18 PHN 49251

19 Respondent.

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21 Complainant alleges:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely
24 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
25 Department of Consumer Affairs.

26 2. On or about July 31, 1972, the Board of Registered Nursing (Board)
27 issued Registered Nurse License No. 226261 to Mary Catherine Hamilton (Respondent). The
28 Registered Nurse License was in full force and effect at all times relevant to the charges brought

herein and will expire on January 31, 2010, unless renewed.

3. On or about July 30, 1992, the Board issued Public Health Nurse Advanced Certification No. PHN 49251 to Respondent. The Public Health Nurse Advanced Certification was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2010, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

5. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2761 states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, . . .”

8. Section 2762 states, in pertinent part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • • •

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as

defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license. . . .”

9. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

COST RECOVERY

10. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

11. Respondent is subject to disciplinary action under section 2761, subdivision (a), in conjunction with section 2762, subdivision (b), in that on or about July 26, 2006, Respondent used alcoholic beverages in a manner dangerous or injurious to herself, or others, as follows;

12. On or about October 11, 2005, Respondent and her employer, Torrance Memorial Medical Center (TMMC), entered into a Substance Abuse/Chemical Dependency agreement wherein Respondent was issued a Final Written Warning. Moreover, Respondent agreed to refrain from the use of alcohol or drugs, and submit to random testing for alcohol and drugs as a condition of her continued employment at TMMC. The agreement was effective for one (1) year.

13. On or about July 26, 2006, Respondent showed up for work her shift at TMMC, and was asked by TMMC staff to report for a random alcohol and drug test.

1 14. On or about July 26, 2006, Respondent tested positive for alcohol.

2 15. Subsequently, on or about July 26, 2006, Respondent acted pursuant to the
3 October 11, 2005 Substance Abuse/Chemical Dependency agreement when she resigned from
4 her employment at TMMC, in lieu of being terminated.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board issue a decision:

8 1. Revoking or suspending Registered Nurse License No. 226261, issued to
9 Respondent;

10 2. Revoking or suspending Public Health Nurse Advanced Certification No.
11 PHN 49251, issued to Respondent;

12 3. Ordering Respondent to pay the Board the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and

15 4. Taking such other and further action as deemed necessary and proper.

16 DATED: 7/31/09

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LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

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